

PRO SE OFFICE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DANIEL PATRICK MOYNIHAN UNITED STATES COURTHOUSE
500 PEARL STREET, ROOM 230
NEW YORK, NEW YORK 10007

Ruby J. Krajick
CLERK OF COURT

INSTRUCTIONS FOR FILING A PRISONER' S CIVIL RIGHTS COMPLAINT

Attached are a complaint form and an application to waive the filing fee for a civil rights action under 42 U.S.C. § 1983. The instructions for completing them are as follows:

1. **Caption:** The caption is located in the top left corner on the first page of the complaint. You, as the person filing the complaint, are the Plaintiff. The people you allege have violated your rights and are responsible for your injuries should be named as the Defendants. You should state the first and last name of each defendant and badge number, if appropriate. If you do not know the name of a defendant, you should name him or her as "John Doe" or "Jane Doe" and include some descriptive information about that defendant. For example, "John Doe Correctional Officer who worked the 8am-4pm shift on C-Block at Sing Sing Correctional Facility on January 1, 2006."
2. **Jury Trial:** You are entitled to a trial by jury, but you may lose your right to a jury trial if you do not ask for it early enough. You should indicate on the first page of the complaint whether you want a jury trial by checking either "yes" or "no" in the top right corner of the first page of the complaint. You can also demand a jury trial within 14 days of service of the answer. If you fail to request, but later decide you want, a jury trial, you may request one by filing a formal motion and explaining why you did not ask for one earlier. The judge does not have to grant this motion.
3. **Contents:** The form should be completed in full. It can be typed or handwritten, and it must be legible. If you need more space to answer a question, use separate sheets of 8½x 11-inch paper and attach them to your complaint. You must provide the facts of your case, but need not include legal arguments or references to cases. One complaint must contain an original signature (in ink or pencil) from each plaintiff. Photocopies of your signature cannot be accepted. The complaint need not be notarized.
4. **Copies:** You must send the *Pro Se* Office the original complaint plus two identical copies. You should keep another copy for your records. Copies may be handwritten or typewritten but all copies (including any attached exhibits) must be identical to the original.
5. **Fee:** The filing fee is \$350.00, payable to the "Clerk of Court, USDC, SDNY," by certified check, bank check, money order, major credit card, or cash (if your complaint is submitted in person). Personal checks are not accepted.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKCarlton Wilson, #07A4914

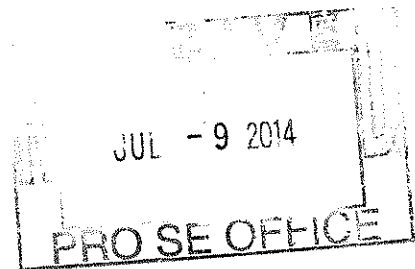
(In the space above enter the full name(s) of the plaintiff(s).)

-against-

Sgt. Amoresano ; P.O. Hamilton ;
P.O. Baitel ; of the (NYPD) 30th
Precinct, And, Brooklyn (H.D.M.)
Correctional Officer, RAFFERTY,

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

COMPLAINT

under the
Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)Jury Trial: ☒ Yes ☐ No
(check one)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff	Name	<u>Carlton Wilson</u>
	ID #	<u>07A4914</u>
	Current Institution	<u>Attica Correctional Facility</u>
	Address	<u>P.O. Box 149</u> <u>Attica, N.Y. 14011</u>

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1	Name	<u>Sgt. Amoresano</u>	Shield #	<u>N/A</u>
	Where Currently Employed	<u>451 - W. 151th Street</u>	<u>NYC 30th Prec.</u>	
	Address	<u>30th Precinct, 451 - W. 151th St.</u>		
		<u>New York, N.Y.</u>		

Defendant No. 2 Name Police Officer Hamilton Shield # N/A
 Where Currently Employed 30th Precinct
 Address 451 - W 151th Street, NYC

Defendant No. 3 Name Police Officer Boitel Shield # N/A
 Where Currently Employed 30th Precinct
 Address 451 - W 151th Street, NYC

Defendant No. 4 Name Corrections Officer RAFFERTY Shield # 18672
 Where Currently Employed Brooklyn (HDM)
 Address Atlantic Ave.
Brooklyn, NY 11201

Defendant No. 5 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?
The first assault happened at the 30th Precinct,
(NYPD) in (NYC).

B. Where in the institution did the events giving rise to your claim(s) occur?
It started at the front doors and ended somewhere
in the back rooms, of the 30th Prec. (NYC)

C. What date and approximate time did the events giving rise to your claim(s) occur?
On 9/25/13, At Approx. 1:32 A.M. at
the 30th Prec. The 2nd unrelated incident
happened on Feb. 3rd 2014, at the (HDM)
Brooklyn House

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

D. Facts: On 9/25/13, The Plaintiff had an altercation with his wife, Verline Smith, to where the Police was called, and the Plaintiff was asked to come down to the 30th Precinct, to clarify the situation. Upon arriving at the 30th Precinct, Police (Defendants) were waiting to immediately place the Plaintiff in handcuffs, and when the Plaintiff had tried to explain to Defendants that there was no need to rough him up, because he had come to their precinct on his own free will. That is where a scuffle started between the Plaintiff and defendants. The Plaintiff was then dragged to the back of the precinct, to where he was beaten and Tazorred twice by defendant Sgt. Amoresano, and beaten by the other defendants about the back of the head.

Second Incident: On 2/3/14, an incident broke out at the Brooklyn (HDM) where the Plaintiff was housed at the time. During the altercation, the Plaintiff was maced in the eyes, by defendant C.O. RAFFERTY, and there after the Plaintiff was Harassed by being sent to Riker's Island, and then back again to Brooklyn's HDM on Atlantic Ave.,

Date: 01/30/2014
part, D
III. Injuries: and my Case was Dismissed-motion of "DA" in Manhattan NY City on Docket Number: 2013JD078966 by Judge STATINGER, Steven M.
If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. Following the 9/25/13 incident and arrest, the Plaintiff suffered electricution from the taser and pain and suffering from the blows he received to the back of his head, which required seeing medics.

During the Second incident, Brooklyn (HDM) the Plaintiff suffered, Burning to his eyes, Burning to the face and pain an suffering, as well as Frustration and Mental Anguish.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☒ No ☒

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

The first incident happened at the 30th Precinct. And the second incident happened as a result thereof, while being housed at the Brooklyn (HDM).

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ☐ No ☐ Do Not Know ☒

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ☐ No ☐ Do Not Know ☒ Don't think so.

If YES, which claim(s)? _____

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ☐ No ☒

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ☐ No ☒

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

1. Which claim(s) in this complaint did you grieve? _____

2. What was the result, if any? _____

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. _____

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: As far as the plaintiff knows, there was no grievance committee at the 30th Precinct and as far as a grievance committee being at the Brooklyn (HDM) the grievant (Plaintiff) was not sure if there was one there.

2. If you did not file a grievance but informed any officials of your claim, state who you informed, _____

when and how, and their response, if any: As for the Incident that happened at the Brooklyn (HDM) the Plaintiff wrote a claim with the Comptroller's Office. Said claim was never responded to. Claimant never heard anything.

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. As far as the Plaintiff can tell,

these incidents that happened to him are beyond grievances. They were criminal acts committed against him and should had been treated as such.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). The Plaintiff is requesting that the Court award monetary compensation in the following manner:

- 1) \$5,000,000.00 (Five Million dollars) for pain and suffering from Defendant, Sgt. Amoresano;
- 2) \$5,000,000.00 (Five Million dollars) for pain and suffering from Defendant, P.O. Hamilton;
- 3) \$5,000,000.00 (Five Million dollars) for pain and suffering from Defendant, P.O. Biotel; All Police officers of the 30th Precinct for a total of \$15,000,000.00 (Fifteen Million dollars)
- And-
- 4) 3 (Three) Million dollars for pain and suffering from defendant Correctional Officer Rafferty, for a total amount of Three Million dollars. (\$3,000,000.00)

VI. Previous lawsuits:

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☐ No ☒

On
these
claims

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes _____ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

- C. Have you ~~filed~~ other lawsuits in state or federal court otherwise relating to your imprisonment?
Yes ☒ No _____

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff Carlton Wilson

Defendants Ada Perez, Supt. of Downstate C.F. & (NYS) D.O.C.C.S.

2. Court (if federal court, name the district; if state court, name the county) Dutchess County Supreme Court

3. Docket or Index number 1954/2014

4. Name of Judge assigned to your case James D. Pagones

5. Approximate date of filing lawsuit 4/11/14

6. Is the case still pending? Yes ☒ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 27 day of June, 2014.

Signature of Plaintiff

Carlton Wilson

Inmate Number

0719 4914

Institution Address

Attica, Correctional Facility

Box 149

Attica, N.Y. 14011

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 27 day of June, 2014, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Carlton Wilson